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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/633,687 | 08/07/2000 | Kathryn A. Engholm | 6972 US | 3621 |

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EXAMINER

NATNAEL, PAULO S M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2614

DATE MAILED: 05/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/633,687

Applicant(s)

ENGHOLM, KATHRYN A.

Examiner

Paulos M. Natnael

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Examiner's Response.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 8, 12 and 13.

Claim(s) rejected: 1-8 and 10-13.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

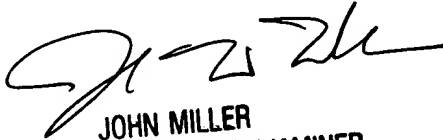
Applicant's Argument

Applicant recites "a status ribbon having a plurality of stripes" (emphasis added), whereas Yokoyama et al. show a normal bar graph. The common, ordinary meaning of "ribbon" from Webster's Ninth New Collegiate Dictionary is "a long narrow strip." Since words in claims are to be given their ordinary meaning and are, when in doubt, interpreted in light of what is taught in the specification, it is clear that the "ribbon" as recited by Applicant is not equivalent to a bar graph as taught by Yokoyama et al. The bar graph of Yokoyama et al provides separate vertical bars spaced horizontally across a display region, not "stripes" on a "ribbon". "Stripes" by implication are contiguous to each other – "a line or long narrow section differing in color or texture from parts adjoining" (Webster's op. cit). Any person of ordinary skill in the art would not mistake the bar graph of Yokoyama et al. as a "ribbon", or the "ribbon" recited by Applicant as a bar graph.

Examiner's Response

The Merriam Webster's Collegiate Dictionary, Tenth Edition, defines a ribbon as "a narrow fabric...", "a strip of colored satin...", or "a strip of inked fabric..." etc, and the subjective interpretation given by applicant that a ribbon is "a long narrow strip" is considered not persuasive. Besides, Yokoyama's disclosure (for example, 96,97 and 98) includes long narrow stripes within each of the bar graphs. Therefore, each bar graph could be interpreted as having a ribbon within.

On the other hand, Yokoyama et al discloses "a region 92 within the scale display region 91 for displaying level images, such as bars 97 associated with respective TV channels; a region 93 below the region 92 for displaying TV channel numbers; a region 94 for displaying digital values and other data for a specified channel (SP-CH) and a region for displaying other data items." (Col. 4, line 64 through col. 5 line 2) Yokoyama's bar or level image 97 represents a signal level of the channel. Yokoyama further discloses the "region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring and simultaneously indicating the levels of signal for a multitude of TV channels." (Col. 2, lines 5-8) Therefore, Argument is considered unpersuasive.


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